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PTO/SB/30 (07-08)

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|   |                        |                        |
|---|------------------------|------------------------|
| <b>Request<br/>For<br/>Continued Examination (RCE)<br/>Transmittal</b><br><br>Address to:<br>MS RCE<br>Commissioner for Patents<br>P.O. Box 1450<br>Alexandria, VA 22313-1450 | Application Number     | 09/853,233-Conf. #5984 |
|   | Filing Date            | May 11, 2001           |
|   | First Named Inventor   | Steven T. Harshfield   |
|   | Art Unit               | 2823                   |
|   | Examiner Name          | W. D. Coleman          |
|   | Attorney Docket Number | M4065.0743/P743        |

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.  
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_

ii. ☐ Other \_\_\_\_\_

b. ☒ Enclosed

i. ☐ Amendment/Reply

iii. ☒ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/Declaration(s)

iv. ☐ Other \_\_\_\_\_

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other \_\_\_\_\_

3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

a. ☐ The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments to Deposit Account No. 04-1073. I have enclosed a duplicate copy of this sheet.

i. ☒ RCE fee required under 37 CFR 1.17(e)

ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)

iii. ☒ Other Petition to Withdrawal Application from Issue

b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed

c. ☒ Payment by credit card (Form PTO-2038 enclosed)

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED |                   |                  |            |
|---|-------------------|------------------|------------|
| Signature   |                   | Date             | 09/13/2006 |
| Name (Print/Type)                                   | Elizabeth Parsons | Registration No. | 52,499     |

Adjustment date: 09/13/2006 CKHLOK  
09/05/2006 JADD01 00000028 041073 09853233  
01 FC:1801 -790.00 OP



Docket No.: M4065.0743/P743  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Steven T. Harshfield, et al.

Allowed: March 9, 2004

Application No.: 09/853,233

Confirmation No.: 5984

Filed: May 11, 2001

Art Unit: 2823

For: PCRAM MEMORY CELL AND METHOD Examiner: William D. Coleman  
OF MAKING SAME

Refund Ref:  
09/13/2006

0030034461

PETITION TO WITHDRAW APPLICATION FROM  
ISSUE PURSUANT TO 37 C.F.R. § 1.313(c)(2)

Credit Card Refund Total: \$900.00

Am Exp.: XXXXXXXXXXXX1002

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby petition the Commissioner to withdraw the above-identified application from issue. The Issue Fee Payment in this application was filed on July 12, 2006.

Applicants respectfully petition that the above-identified application be withdrawn from issue in order to permit consideration of a submission under 37 C.F.R. § 1.114 (Request for Continued Examination with an Information Disclosure Statement), a copy of which is enclosed. After Applicants first paid the issue fee on May 11, 2004, Applicants became aware of additional references which may be deemed relevant to prosecution. On June 17, 2004, Applicants petitioned to withdrawal the application from issue and requested continued examination of the present application to consider the additional references. To date and despite Applicants' efforts, the references have

Adjustment date: 09/13/2006 CKHLOK  
09/05/2006 JADD01 00000028 041073 09853233  
02 FC:1464 20.00 CR -110.00 OP

02 FC:1464

20.00 DA

110.00 OP

DSMDB-2137949v01